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Attorneys for Defendant
RAMON LOPEZ-AGUILAR

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) NO: CR-08-00014-JF
Plaintiff,)
vs.)
RAMON LOPEZ-AGUILAR,)
Defendant.)
)
**STIPULATION AND (PROPOSED)
ORDER FOR CONTINUANCE
OF STATUS HEARING**

Defendant, Ramon Lopez-Aguilar., through counsel Richard P. Pointer and the United States through Jeffrey Schenk hereby stipulate to the continuance of the status hearing from September 10, 2008, at 9:00 a.m., to October 1, 2008, at 9:00 a.m. It is agreed between the parties that the following reasons exist for this stipulation:

(1) Defense counsel is in trial in state court in the matter of People vs. Raymundo Rivera, case number: CC632875.

No party objects to the requested continuance.

IT IS FURTHER STIPULATED that the time for trial under the Speedy Trial Act continue

1 IT IS SO STIPULATED.

2 Respectfully submitted,

3 Dated: September 5, 2008

4 _____
5 /s/
6 Richard P. Pointer
7 Attorney for Ramon Lopez-Aguilar

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10 Dated: September 5, 2008

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12 /s/
13 Jeffrey Schenk
14 Assistant United States Attorney

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Defendant.)

Based on the stipulations of the parties, the court HEREBY ORDERS that the status hearing scheduled for September 10, 2008, at 9:00 am., is continued to October 1, 2008 at 9:00 a.m.

THE COURT FURTHER ORDERS time be excluded under the Speedy Trial Act from September 10, 2008, to October 1, 2008. The court finds, based on the aforementioned reasons, that the ends of justice is served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. section 3161(h)(8)(A) and (B)(iv).

1 JEREMY FOGEL
2 United States Magistrate Judge
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